

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

MACK L. KERN,)	
)	
Plaintiff,)	Case No. 2:10CV00079
)	
v.)	JUDGMENT
)	
COMMISSIONER OF)	By: James P. Jones
SOCIAL SECURITY,)	United States District Judge
)	
Defendant.)	

It appearing that no objections have been timely filed to the Report filed November 14, 2011, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

1. The Report and its findings and recommendations are wholly **ACCEPTED** and **APPROVED**;
2. The motions for summary judgment by the parties are **DENIED**;
3. The final decision of the Commissioner of Social Security is **VACATED** and this action is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. This case is closed.

ENTER: December 5, 2011

/s/ James P. Jones

United States District Judge